

**PART II**

**IMPLEMENTING GUIDANCE AND PROCEDURES**

**CHAPTER 3**

**RESIDENCY**

**CONTENTS**

<b>SUBPART 1. GENERAL .....</b>	<b>3</b>
1.1 Statutory and Regulatory Authorities.....	3
1.2 Applicability.....	3
1.3 Personnel Authority.....	3
<b>SUBPART 2. RESIDENCY REQUIREMENTS .....</b>	<b>5</b>
2.1 Domicile Requirement .....	5
2.2 Residency Requirement Applicable to Excepted and Executive Service Employees Appointed Before October 1, 2002 .....	5
2.3 Residency Requirement Applicable to the Senior Executive Attorney Service .....	5
2.4 Residency Preference System .....	5
2.5 Residency Requirements for Uniformed Members of the Metropolitan Police Department and the Fire and Emergency Medical Services Department .....	6
2.6 Exemptions to the Residency Requirements .....	6
<b>SUBPART 3. RESIDENCY PREFERENCE IN EMPLOYMENT .....</b>	<b>7</b>
3.1 Form DC 2000RP – Residency Preference for Employment.....	7
3.2 Determination of Entitlement to Residency Preference .....	7
3.3 Application of Residency Preference in the Merit Staffing Process .....	7
3.4 Responsibilities of Selecting Officials – Unassembled Examinations.....	8
<b>SUBPART 4. NOTIFICATION AND CERTIFICATION REQUIREMENTS .....</b>	<b>9</b>
4.1 General .....	9
4.2 Offer of Employment Letters .....	9
4.3 Notification and Certification of Bona Fide Residency Requirements (DC Form 300).....	9
4.4 Notification and Certification of Domicile Requirement (DC Form 300D).....	9
4.5 Certification of Submission of Proofs of District Residency or Domicile (DC Form 305).....	10
<b>SUBPART 5. REEMPLOYMENT AND REINSTATEMENT.....</b>	<b>11</b>
5.1 Reemployment.....	11
5.2 Reinstatement .....	11
<b>SUBPART 6. DOCUMENTING RESIDENCY REQUIREMENTS.....</b>	<b>13</b>
6.1 Preparation of the Personnel Action .....	13

<b>SUBPART 7. REPORTING AND MONITORING REQUIREMENTS .....</b>	<b>15</b>
7.1 General .....	15
7.2 Annual Verification of Tax Filing Status .....	15
 <b>SUBPART 8. FAILURE TO ESTABLISH AND MAINTAIN BONA FIDE DISTRICT RESIDENCY OR DOMICILE .....</b>	 <b>17</b>
8.1 General .....	17
8.2 Prior Notification Requirements .....	17
8.3 Forfeiture and Termination .....	18
 <b>SUBPART 9. ALLEGATIONS OF RESIDENCY VIOLATIONS AND GUIDELINES GOVERNING THE PROCESS FOR PRE-HEARINGS AND EVIDENTIARY HEARINGS TO DETERMINE THE ISSUE OF BONA FIDE DISTRICT RESIDENCY OR DOMICILE .....</b>	 <b>19</b>
9.1 General .....	19
9.2 Guidelines Governing the Process for Pre-Hearings and Evidentiary Hearings to Determine the Issue of Bona Fide District Residency or Domicile.....	19
9.3 Terminations .....	21
 EXHIBIT 1. RESIDENCY PREFERENCE FOR EMPLOYMENT (FORM DC-2000RP) .....	E1
EXHIBIT 2. NOTIFICATION AND CERTIFICATION OF RESIDENCY REQUIREMENTS (DC FORM 300).....	E3
EXHIBIT 3. NOTIFICATION AND CERTIFICATION OF DOMICILE REQUIREMENT (DC FORM 300D).....	E5
EXHIBIT 4. CERTIFICATION OF SUBMISSION OF PROOFS OF DISTRICT RESIDENCY OR DOMICILE (DC FORM 305).....	E7
EXHIBIT 5. CERTIFICATION OF COMPLIANCE WITH THE RESIDENCY REQUIREMENT AFFIDAVIT (DC FORM 306).....	E9
EXHIBIT 6. CERTIFICATION OF COMPLIANCE WITH THE RESIDENCY PREFERENCE REQUIREMENT AFFIDAVIT (DC FORM 307).....	E11
EXHIBIT 7. CERTIFICATION OF COMPLIANCE WITH THE DOMICILE REQUIREMENT AFFIDAVIT (DC FORM 308).....	E13
EXHIBIT 8. SAMPLE SHOW CAUSE LETTER (DISTRICT RESIDENCY OR DOMICILE) .....	E15
EXHIBIT 9. SAMPLE SHOW CAUSE LETTER (RESIDENCY PREFERENCE) .....	E17
EXHIBIT 10. NOTICE: REQUIREMENT TO ESTABLISH BONA FIDE DISTRICT RESIDENCY (SENIOR EXECUTIVE ATTORNEY SERVICE).....	E19
EXHIBIT 11. NOTICE: REQUIREMENT TO ESTABLISH DISTRICT DOMICILE (EXCEPTED AND EXECUTIVE SERVICE) .....	E21

## SUBPART 1. GENERAL

### 1.1 Statutory and Regulatory Authorities

A. **Statutory authority.** Sections 801(e), 859, 906, 957, 1059 and 2402(c) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-608.01(e), 1-608.59(a), 1-609.06, 1-609.57, 1-610.59 and 1-624.02(c)) (2001 & Supp. 2003); and D.C. Official Code § 5-105.08 (2001).

B. **Regulatory authority.** Chapter 3 of the D.C. personnel regulations, Residency.

### 1.2 Applicability

As set forth in this chapter, the residency and domicile requirements apply to applicants for, or persons occupying positions in, the Career Service, Legal Service, including the Senior Executive Attorney Service, Excepted Service, Management Supervisory Service, and Executive Service.

### 1.3 Personnel Authority

A. The term “personnel authority” means an individual or entity with the authority to administer all or part of a personnel management program as provided in Title IV of the CMPA (D.C. Official Code § 1-604.01 *et seq.*) (2001). The term is used throughout this chapter in reference to the personnel authority’s responsibility to implement and monitor compliance with the residency requirements.

B. The Director, D.C. Office of Personnel, is delegated the authority vested in the Mayor to implement the CMPA, and issue rules and regulations (with the concurrence of the City Administrator or the Mayor). Additionally, the Director, D.C. Office of Personnel, functions as personnel authority for employees under the administrative control of the Mayor, excluding the following:

1. Employees of the Board of Education;
2. Employees of the Board of Trustees of the University of the District of Columbia;
3. Employees of the Council of the District of Columbia;

4. Employees of the Board of Elections and Ethics;

5. Employees of the Public Service Commission;

6. Employees of the Public Employee Relations Board;

7. Employees of the Office of Employee Appeals;

8. Employees of the Office of the District of Columbia Auditor;

9. Employees of the District of Columbia Armory Board;

10. Employees of the District of Columbia Law Revision Commission;

11. Employees of the District of Columbia Board of Library Trustees;

12. Employees of the District of Columbia Lottery and Charitable Games Control Board;

13. Employees of the District of Columbia Retirement Board;

14. Employees of the Office of Zoning;

15. Employees of the Department of Mental Health;

16. Employees of the Child and Family Services Agency;

17. Employees of the Office of the Chief Financial Officer;

18. Employees in the Office of Administrative Hearings;

19. Employees in the Alcoholic Beverage Regulation Administration; and

20. Employees in the Metropolitan Police Department.

## SUBPART 2. RESIDENCY REQUIREMENTS

### 2.1 Domicile Requirement

A. The Excepted and Executive Service Domicile Requirement Amendment Act of 2002, effective October 1, 2002 (D.C. Law 14-185; D.C. Official Code §§ 1-609.06 and 1-610.59(a)) (2003 Supp.), amended the CMPA to establish a domicile requirement applicable to individuals appointed to positions in the Excepted and Executive Service on or after October 1, 2002.

B. Under the domicile requirement, an appointee to the Excepted or Executive Service is required to be domiciled in the District of Columbia at the time of his or her appointment, or become a domiciliary of the District of Columbia within one hundred eighty (180) days of appointment, and shall maintain such domicile during the period of appointment. *See* D.C. Official Code §§ 1-609.06(a) and 1-610.59(a) (Supp. 2003); and § 305 of the D.C. personnel regulations, Residency

C. Proof of District of Columbia domicile for Excepted and Executive Service appointees subject to the domicile requirement is established by meeting the eleven (11) requirements listed in § 306.5 of the D.C. personnel regulations. In addition, each person must provide a minimum of four (4) documents from the requirements listed in § 306.3 of the regulations, for a total of fifteen (15) proofs.

D. D.C. Official Code § 1-610.59(b) (2001) provides that the domicile requirement may be waived for an individual appointed as Chief Technology Officer (CTO).

E. The personnel authority may waive the domicile requirement for an appointee to the Excepted or Executive Service, other than the CTO, when the position being filled is designated as hard-to-fill, or when the appointee presents exceptional circumstances. *See* D.C. Official Code §§ 1-609.06(g)(1) and 1-610.59(a) (Supp. 2003); and § 305 of the regulations

F. For provisions on the notification and certification requirements applicable to appointees subject to the domicile requirement, see §§ 4.4 and 4.5 below.

### 2.2 Residency Requirement Applicable to Excepted and Executive Service Employees Appointed Before October 1, 2002

A. Persons hired to positions in the Excepted or Executive Service before October 1, 2002 who were required to be bona fide District residents at the time of appointment, or to become bona fide District residents within one hundred eighty (180) days of appointment, and maintain that residency or forfeit employment, continue to be bound by the terms of the residency requirement in effect before October 1, 2002, for as long as they remain in the position for which hired before that date.

B. Any waivers of the residency requirement applicable to the Excepted or Executive Service granted prior to October 1, 2002 shall continue in effect for as long as the employee occupies the position for which the waiver was granted.

### 2.3 Residency Requirement Applicable to the Senior Executive Attorney Service

A. Any person appointed to a position in the Senior Executive Attorney Service (SEAS) within the Legal Service, is required to be a bona fide District resident at the time of his or her appointment, or become a bona fide District resident within one hundred eighty (180) days of appointment, and maintain bona fide District residency during the period of appointment. Proof of bona fide District residency is established by providing a minimum of four (4) documents from the requirements listed in § 306.3 of the regulations.

B. The Director of Personnel may waive the residency requirement for a person appointed to a hard-to-fill position in the SEAS. *See* D.C. Official Code § 1-608.59(c) (2001); and § 304 of the regulations

C. For provisions on the notification and certification requirements applicable to appointees to the SEAS, see §§ 4.3 and 4.5 below.

### 2.4 Residency Preference System

A. **Applicability.** The residency preference system is applicable to initial appointments and

competitive promotions to positions in the:

1. Career Service (D.C. Official Code § 1-608.01(e)) (2001);
2. Legal Service other than the SEAS (D.C. Official Code § 1-608.59(a)) (2001);
3. Excepted Service (attorney positions only) (D.C. Official Code § 1-609.06(f)) (Supp. 2003); and
4. Management Supervisory Service (D.C. Official Code § 1-609.57) (2001).

B. Any bona fide District resident who claims a residency preference at the time of application for initial appointment or competitive promotion and who is selected, is required to maintain bona fide District residency for a period of five (5) consecutive years from the date of initial appointment or competitive promotion. Proof of bona fide District residency is established by providing a minimum of four (4) documents from the requirements listed in § 306.3 of the regulations.

C. For provisions on the notification and certification requirements applicable to employees who claim a residency preference, see §§ 4.3 and 4.5 below.

## **2.5 Residency Requirements for Uniformed Members of the Metropolitan Police Department and the Fire and Emergency Medical Services Department**

A. Pursuant to D.C. Official Code § 5-105.08 (2001), and notwithstanding any other provision in this chapter, uniformed members of the Metropolitan Police Department or of the Fire and Emergency Medical Services Department must reside within the “Washington, District of Columbia, Metropolitan District,” which includes the District of Columbia and the “territory” adjacent to it within a radius of 25 miles from the United States Capitol Building.

B. The Chief of Police and the Fire Chief may, in individual cases, waive the requirement that an officer or member reside within the “Washington, District of Columbia, Metropolitan District.”

## **2.6 Exemptions to the Residency Requirements**

A. Neither the domicile requirement nor the residency requirements explained in §§ 2.1 through 2.4 above apply to persons who meet the following criteria:

1. Any person who was employed by the District government on December 31, 1979 and who is still employed by the District government without having had a break in service of one (1) workday or more since that date; or

2. Any former employee of the U.S. Department of Health and Human Services at St. Elizabeths Hospital who accepted employment with the District government effective October 1, 1987, without a break in service, and who has not had a break in service since that date.

B. As applicable, any person who meets the criteria listed in § 2.6(A)(1) or (2) above shall be granted a residency preference upon application for a competitive promotion, provided that at least one (1) of the qualified applicants for the position claimed a residency preference. *See* §§ 301.14 and 301.15 of the regulations; and Subpart 3 below.

### SUBPART 3. RESIDENCY PREFERENCE IN EMPLOYMENT

#### 3.1 Form DC 2000RP – Residency Preference for Employment

A. Form DC-2000RP, the “Residency Preference for Employment,” is to be completed and submitted with the employment application of each individual who applies for competitive appointment (initial appointment) to a position in the Career Service, Legal Service other than the Senior Executive Attorney Service, Excepted Service (attorney positions only), or the Management Supervisory Service, and each employee who applies for a competitive promotion in any of those Services.

B. Except as provided in § 3.2 below, preference will be applied **ONLY** to qualified applicants who complete Form DC-2000RP by checking statement I, II, or V.

C. The reverse side of Form DC-2000RP provides applicants with facts on the residency preference system. *See* Exhibit 1

#### 3.2 Determination of Entitlement to Residency Preference

A. Preference is applied **ONLY** to qualified applicants who complete the Form DC-2000RP indicating that they are either:

1. *Bona fide* residents of the District of Columbia who claim a preference; or
2. Entitled to be afforded a preference.

B. Entitlement to preference:

1. When at least one (1) applicant for the position claims a preference, entitlement to preference will be afforded to pre-January 1, 1980 employees without a break in service; and former St. Elizabeths Hospital employees who accepted employment with the District government without a break in service effective October 1, 1987, and who have not had a break in service since that date.

2. To minimize the possibility of the loss of the entitlement to preference, the

appropriate staff within the D.C. Office of Personnel is responsible for determining whether an applicant who did not fill out a claim form could be either a pre-January 1, 1980 employee or a St. Elizabeths employee as described in § 3.2(B)(1) above.

3. Verification of an employee’s entitlement to preference is to be accomplished by reviewing the applicant’s official personnel folder (OPF), or requesting verification of the entitlement from an independent personnel authority, as applicable.

4. An employee entitled to preference who does not submit a Form DC-2000RP when applying for a position will be afforded preference as specified herein upon verification of entitlement through a review of his or her OPF.

#### 3.3 Application of Residency Preference in the Merit Staffing Process

A. Unassembled Examinations (Form DC-2000 or Résumé)

1. Preference will be applied as follows to applicants and employees who claim preference on the basis of their current District residency:

- (a) If at least one (1) qualified outside applicant claims preference – 5 points are to be added to the rating and ranking score of each qualified applicant who claims preference, and to each qualified employee who claims preference (5 points + RP).

- (b) If no qualified outside applicant claims preference – no points are to be applied to qualified employees who claim preference (only RP).

- (c) If all applicants are current District government employees only – no points are to be applied to the score of qualified candidates who claim preference (only RP).

2. Preference will be afforded as follows to pre-January 1, 1980 employees and former St.

Elizabeths Hospital employees described in § 3.2(B)(1) above who accepted employment with the District government without a break in service:

(a) If at least one outside applicant claims preference – 5 points are to be added to the rating and ranking score of each qualified employee who is entitled to receive preference (5 points + RP).

(b) If no outside applicant claims preference and at least one post-January 1, 1980 employee or former St. Elizabeths employee claims preference – no points are to be applied to qualified employees who are entitled to receive preference (only RP).

(c) If no District of Columbia resident (outside applicant or post-January 1, 1980 employee or former St. Elizabeths employee) claims preference – no preference credit is to be applied (neither points nor RP).

3. Candidates ranked in the highest categorical ranking who claim preference or are afforded preference as provided in §§ 3.3(A)(1) and 3.3(A)(2)(a) or (b) above, will have the designation “RP” placed next to their names and are to be listed ahead of non-preference candidates on the selection certificate. When there is more than one (1) RP candidate, they are to be listed alphabetically.

B. Assembled Examinations (*e.g.*, police officers, correctional officers, and firefighters)

1. Preference is applied in the hiring process (Entry-Level Examinations) as follows:

(a) Five (5) points are to be added to the score of qualified applicants who claim preference.

(b) When there is a tie in the numerical score, the preference candidates will have the designation “RP” placed next to their names and will be listed ahead of the non-preference candidates with the same score.

2. Preference is applied in the promotion process (promotional examinations) as follows:

(a) No points are to be added to the score of preference candidates.

(b) When there is a tie in the numerical score, the preference candidates will have the designation “RP” placed next to their names and will be listed ahead of the non-preference candidates with the same score.

(c) In the case of preference candidates with identical numerical scores or non-preference candidates with identical numerical scores, ties will be broken as follows:

(1) In accordance with the provisions of any applicable collective bargaining agreement; or

(2) In descending order beginning with the candidate whose Social Security Number has the highest last digit.

### **3.4 Responsibilities of Selecting Officials – Unassembled Examinations**

A. When a selecting official receives a selection certificate containing residency preference (RP) candidates and non-residency preference candidates, the selecting official must either:

1. Select a residency preference (RP) candidate; or

2. Return the selection certificate to the personnel office without action for cancellation of the vacancy announcement (the DCSF-52 that initiated the recruitment action will be returned to the originating office).

B. **There are no provisions for a waiver.** A non-preference candidate **shall not** be selected when there is a residency preference (RP) candidate on the selection certificate. *See* §§ 301.10 and 301.17 of the regulations.

## SUBPART 4. NOTIFICATION AND CERTIFICATION REQUIREMENTS

### 4.1 General

A. Appropriate personnel staff must ensure that the documents submitted in support of a claim of District residency or domicile are acceptable and sufficient, as well as make final determinations concerning the authenticity and sufficiency of documents submitted by an appointee or employee.

B. The personnel representative designated to complete a residency form must sign and date the appropriate form in the box designated for "Official Use Only" after ensuring that the employee has read the form, has had an opportunity to ask questions about the residency requirement or the form, has provided the proofs, as applicable, and has completed the appropriate forms.

C. A copy of the completed and signed form must be provided to the employee and the original filed on the right side of the employee's Official Personnel Folder (OPF).

D. All proofs submitted are to be copied and retained in the employee's confidential file.

### 4.2 Offer of Employment Letters

Offer of employment letters are to be prepared for initial appointments and competitive promotions, and must contain information concerning the applicable residency requirement.

### 4.3 Notification and Certification of Bona Fide Residency Requirements (DC Form 300)

A. The DC Form 300 is to be completed in the case of new appointments and competitive promotions for:

1. Any person appointed or selected to a position in the Senior Executive Attorney Service within the Legal Service; and

2. Any person who claims a residency preference and is selected.

B. A new hire shall complete and sign the DC Form 300 on or before the effective date of appointment. *See* § 301.4 of the regulations and Exhibit 2 below.

C. An employee who claimed the residency preference in applying for competitive promotion and is selected shall complete and sign the DC Form 300 no later than the day before the effective date of the promotion. *See* § 301.5 of the regulations and Exhibit 2 below.

D. In signing the DC Form 300, the person certifies that:

1. He or she has received written notification of the applicable bona fide residency requirement;

2. He or she has read the notice, has been given an opportunity to ask questions about the applicable bona fide residency requirement, and understands the requirement;

3. He or she understands that failure to maintain bona fide District residency for a period of five consecutive (5) years, or bona fide District residency during the period of appointment, as applicable, will result in forfeiture of employment; and

4. The place of residency stated in the certification is the person's actual, regular, and principal place of residence.

### 4.4 Notification and Certification of Domicile Requirement (DC Form 300D)

A. The DC Form 300D is to be used when processing persons subject to the domicile requirement. Appointees shall complete and sign the DC Form 300D on or before their effective date of appointment. *See* Exhibit 3.

B. In signing the DC Form 300D, the person certifies that:

1. He or she has received written notification of the domicile requirement;



2. He or she has read the notice, has been given an opportunity to ask questions about the domicile requirement and understands the requirement;

3. He or she understands that failure to become a District domiciliary within one hundred eighty (180) days of appointment, or to maintain District domicile during the period of appointment, as applicable, will result in forfeiture of employment; and

4. The District of Columbia address stated in the certification is the person's District domicile, as applicable.

#### **4.5 Certification of Submission of Proofs of District Residency or Domicile (DC Form 305)**

The DC Form 305 includes the list of proofs that an appointee subject to a residency or domicile requirement must provide, either on the date of the initial appointment or competitive promotion, or within one hundred eighty (180) calendar days of appointment, as applicable. *See* Exhibit 4.

## SUBPART 5. REEMPLOYMENT AND REINSTATEMENT

### 5.1 Reemployment

Any person who has been continuously employed by the District government since December 31, 1979 and is involuntarily separated as a result of a reduction-in-force (RIF) and who is later reemployed under the Agency Reemployment Priority Program (ARPP) or Displaced Employee Program (DEP) shall be entitled to the same exemption from the residency requirements of this chapter that the person enjoyed on the date of termination by RIF, if any.

### 5.2 Reinstatement

A. A person who is reinstated retroactive to the date of termination shall be entitled to the same exemption from the residency requirements of this chapter that the person enjoyed on the date of termination, if any.

B. A person who was receiving disability compensation under the provisions of Title XXIII of the CMPA (D.C. Official Code § 1-623.01 *et seq.*) (2001) and who resumes employment with the District government pursuant to § 2345 of the CMPA (D.C. Official Code § 1-623.45) (Supp. 2003) shall be entitled to the same exemption from the residency requirements of this chapter that the person enjoyed on the date of his or her separation from the District government service due to disability, if any.

## SUBPART 6. DOCUMENTING RESIDENCY REQUIREMENTS

### 6.1 Preparation of the Personnel Action

**A. Residency compliance codes.** Personnel representatives responsible for processing personnel actions must ensure that the appropriate residency compliance codes are inputted into the automated personnel system.

#### B. Documenting personnel actions

1. As applicable, one (1) of the following statements must be included in the “Remarks” section of the personnel form effecting the appointment (including competitive promotion) of a **person who certified on the DC Form 300 or DC Form 300D that he or she is a bona fide District resident or domiciliary, as applicable, at the time of appointment:**

(a) Residency Preference Appointee  
(Career Service; Legal Service other than the Senior Executive Attorney Service; Excepted Service attorneys; and Management Supervisory Service):

REMARK:

“Employee claimed and was granted a residency preference and has provided the following documents as proof of bona fide District residency: (list the 4 documents from § 306.3 of the regulations). Employee has agreed in writing to maintain bona fide District residency for a period of 5 consecutive years from (Date) to (Date). Failure to maintain bona fide District residency for the 5-year period will result in forfeiture of employment.”

(b) Residency Requirement Appointee  
(Senior Executive Attorney Service):

REMARK:

“Employee states that he/she is a District resident and has provided the following documents in support of this statement: (list the 4 documents from § 306.3 of the regulations). Failure to maintain bona fide District residency during the period of appointment will result in forfeiture of employment.”

#### (c) Domicile Requirement Appointee

(Excepted Service other than Excepted Service attorneys; and Executive Service):

REMARK:

“Employee states that he/she is a domiciliary of the District of Columbia and has provided the following documents in support of this statement: (list the 4 documents from § 306.3 of the regulations and add the following language to the sentence: “and copies of the 11 proofs required under the domicile law or sworn affidavits where inapplicable.”). Failure to maintain District domicile during the period of appointment will result in forfeiture of employment.”

2. As applicable, one (1) of the following statements must be included in the “Remarks” section of the personnel form effecting the appointment of a **person who certified on the DC Form 300 or DC Form 300D his or her intent to become a bona fide District resident or domiciliary within one hundred eighty (180) calendar days of the date of appointment:**

(a) Domicile Requirement Appointee  
(Excepted Service; Executive Service):

REMARK:

“Employee is not a domiciliary of the District of Columbia and is required to establish District domicile within 180 days of appointment by (Date). Failure to meet this requirement by (Date) will result in forfeiture of employment.”

(b) Residency Requirement Appointee  
(Senior Executive Attorney Service):

REMARK:

“Employee is not a resident of the District of Columbia and is required to establish bona fide District residency within 180 days of appointment by (Date). Failure to meet this requirement by (Date) will result in forfeiture of employment.”

3. As applicable, one (1) of the following statements must be included in the “Remarks” section of the personnel form effecting the appointment of a person who has been granted a **waiver of the domicile requirement** because the position appointed to has been designated as hard-to-fill, or because the appointee presents exceptional circumstances:

(a) Domicile Requirement Appointee (Excepted Service other than Excepted Service attorneys; and Executive Service) – Appointment to Hard-to-Fill Position:

REMARK:

“The Mayor (for Executive Service appointees)/Director of Personnel (for Excepted Service appointees) has granted the appointee a waiver of the domicile requirement upon designating the position hard-to-fill. The waiver of the domicile requirement shall remain in effect only for as long as the appointee occupies the position for which the waiver was granted.”

(b) Domicile Requirement Appointee (Excepted Service other than Excepted Service attorneys; and Executive Service) – Appointee who Presents Exceptional Circumstances:

REMARK:

“The Mayor (for Executive Service appointees)/Director of Personnel (for Excepted Service appointees) has granted the appointee a waiver of the domicile requirement upon determining that the appointee presented exceptional circumstances. The waiver of the domicile requirement shall remain in effect only for as long as the appointee occupies the position for which the waiver was granted.”

4. The following statement must be included in the “Remarks” section of the personnel form effecting the appointment to the SEAS of a person who has been granted a **waiver of the residency requirement** because the position appointed to has been designated hard-to-fill:

REMARK:

“The Director of Personnel has granted the

appointee a waiver of the residency requirement upon designating the position hard-to-fill. The waiver of the residency requirement shall remain in effect only for as long as the appointee occupies the position for which the waiver was granted.”

5. Personnel forms shall be processed **upon receipt of the proof to support the claim of bona fide District residency or domicile**, and a DC Form 305 completed for an employee who previously certified his or her intent to become a District resident or domiciliary within one hundred eighty (180) calendar days of the date of appointment. The nature of the action is to be noted as “Bona Fide District Residency Established” or “District Domicile Established,” as applicable, and one (1) of the following statements used in the “Remarks” section of the personnel forms:

(a) Domicile Requirement Appointee (Excepted Service other than Excepted Service attorneys; and Executive Service):

REMARK:

“Employee states that he/she has established District domicile and has provided the following documents in support of this statement: (list the 4 documents from § 306.3 of the regulations and add the following language at the end of the sentence: “and copies of the 11 proofs required under the domicile law or sworn affidavits where inapplicable.”). Failure to maintain District domicile during the period of appointment will result in forfeiture of employment.”

(b) Residency Requirement Appointee (Senior Executive Attorney Service):

REMARK:

“Employee states that he/she has established bona fide District residency and has provided the following documents as proof: (list the 4 documents from § 306.3 of the regulations). Failure to maintain bona fide District residency during the period of appointment will result in forfeiture of employment.”

## SUBPART 7. REPORTING AND MONITORING REQUIREMENTS

### 7.1 General

A. By **October 15 of each year**, the Deputy Director for the Management and Employee Services Administration (MESA) within the D.C. Office Personnel (DCOP), and the DCOP HR Advisor in the case of Excepted and Executive Service employees, shall prepare listings, by agency, of employees subject to the residency preference requirement, residency requirement applicable to the Senior Executive Attorney Service, residency requirement applicable to Excepted and Executive Service employees appointed before October 1, 2002, and domicile requirement, as applicable, and transmit the lists to the appropriate agency head. At a minimum, the listings shall include the name, social security number, and employing agency of each person subject to a residency requirement.

B. Upon receipt of the listing, each agency head (or his or her designee) will inform each employee on the listing that he or she must submit an affidavit (Exhibit 5, 6 or 7) to an agency representative **between November 1 and November 30**. The affidavit is required under § 306.12 of the regulations. Section 306.12 specifies that each employee required to be a District resident or domiciliary must submit the affidavit between November 1 and November 30 of each year after the first year of employment, up to the end of the required period of District residency or domicile. The purpose of the affidavit is for the recipient employee to certify that for the preceding twelve (12) months, he or she has complied with the applicable residency requirement, and provide the address used on the employee's most recent individual income tax returns for District and federal tax purposes. *See* §§ 306.11 and 306.12 of the regulations.

C. By **October 15 of each year**, the Deputy Director for the MESA, and the DCOP HR Advisor in the case of Excepted and Executive Service employees, shall submit to the Director of Personnel a copy of the listing described in § 7.1(A) above.

### 7.2 Annual Verification of Tax Filing Status

A. By **November 1 of each year**, the Director of Personnel shall submit the aforementioned listings to the Office of Tax and Revenue (OTR). *See* § 309.1 of the regulations.

B. By **November 15 of each year**, the OTR shall submit information on the filing status of individual tax returns for employees identified in the listings for the returns filed in that calendar year. *See* § 309.2 of the regulations.

C. By **November 25 of each year**, the Director of Personnel (or his or her designee) shall distribute the information received from the OTR to the appropriate agency head. The information shall be used by each agency as part of the agency's residency monitoring responsibilities. *See* §§ 309.3, 309.4, and 307 of the regulations.

## SUBPART 8. FAILURE TO ESTABLISH AND MAINTAIN BONA FIDE DISTRICT RESIDENCY OR DOMICILE

### 8.1 General

A. An employee who fails to establish bona fide District residency or to become a District domiciliary within the required time period or to maintain such bona fide District residency or domicile as required shall forfeit his or her position and shall be terminated immediately.

B. Termination of appointment or employment resulting from the failure of an appointee or employee to establish bona fide District residency, or to become a District domiciliary, or to maintain such bona fide District residency or domicile as required cannot be appealed to the Office of Employee Appeals (OEA) or through any grievance procedure.

### 8.2 Prior Notification Requirements

#### A. Claim of Residency Preference

1. The offer letter to an individual who claimed a residency preference at the time of application for initial appointment and is selected for the position must specify that the individual must provide all the required proofs of bona fide District residency not later than the effective date of the appointment. The personnel authority shall not effect the personnel action for the appointment until all the appropriate proofs are received.

2. The offer letter to an employee who claimed a residency preference at the time of application for a competitive promotion or a competitive appointment other than initial appointment or promotion (i.e., competitive reassignment) and is selected for the position must specify that the employee must provide all the required proofs of bona fide District residency not later than the effective date of the promotion or other appointment. The personnel authority shall not effect the personnel action for the competitive promotion until all the appropriate proofs are received.

#### B. Legal Service Employees Subject to the Residency Requirement (SEAS) and Excepted and Executive Service Employees Subject to the Domicile Requirement

1. The offer letter to an appointee to a SEAS position; or an appointee to an Excepted or Executive Service position subject to the domicile requirement must contain information concerning the applicable requirement.

2. SEAS employees and employees subject to the domicile requirement who are to establish bona fide District residency or domicile within one hundred eighty (180) days of appointment, will be provided with a written notice (Exhibit 10 or 11) at least thirty (30) days prior to the one hundred eightieth (180<sup>th</sup>) day of the appointment, reminding them of the applicable requirement. The DCOP will issue the written notice.

3. The written notice will:

(a) Specify the date by which the employee is to establish bona fide District residency or domicile, as applicable;

(b) Include the listing(s) of the proofs required to establish bona fide District residency or domicile, as applicable; and

(c) Serve as notification to the employee that if all of the required proofs are not received by the specified date, he or she will be terminated immediately thereafter.

4. The required proofs to establish bona fide District residency or domicile, as applicable, must be received in the DCOP by 5:00 p.m. on the one hundred eightieth (180<sup>th</sup>) day of the appointment.

5. The DCOP shall provide the agency's HR Advisor with a copy of the written notice.

6. Failure to provide such prior notification shall in no way affect the validity of a termination based upon failure to comply with the bona fide District residency or domicile requirement, as applicable, as forfeiture of the position is required by law. *See* D.C. Official Code §§ 1-608.59(b) (2001) and 1-609.06(a) (Supp. 2003)

### **8.3 Forfeiture and Termination**

A. An employee subject to a residency or domicile requirement who fails to provide all of the required proofs as specified in § 8.2 above will forfeit his or her position effective on the one hundred eighty-first (181<sup>st</sup>) day after appointment. The effective date of the forfeiture personnel action shall not be a Saturday, Sunday, or legal holiday, but shall be the next day which is not a Saturday, Sunday, or legal holiday.

B. As specified in Subpart 9, an employee subject to a residency requirement who, having established bona fide District residency or having become a District domiciliary, fails at any time after that to maintain such District residency or domicile for the required time period will be terminated from District government service.

## SUBPART 9. ALLEGATIONS OF RESIDENCY VIOLATIONS AND GUIDELINES GOVERNING THE PROCESS FOR PRE-HEARINGS AND EVIDENTIARY HEARINGS TO DETERMINE THE ISSUE OF BONA FIDE DISTRICT RESIDENCY OR DOMICILE

### 9.1 General

A. Whenever an agency head has reasonable cause to believe that an employee of the agency is not in compliance with the applicable residency or domicile requirement, the agency head shall issue to the employee a written notice to show cause (Exhibit 8 or 9) as to why his or her position should not be forfeited. *See* § 307 of the D.C. personnel regulations, Residency.

B. The agency head (or his or her designee) shall issue a notice to show cause to the employee, with a copy to the Director, D.C. Office of Personnel or independent personnel authority, and contact a representative of the DCOP or independent personnel authority, to schedule a pre-hearing conference.

C. The notice to show cause shall be issued **ONLY** during the period of time that the employee is required to maintain bona fide District residency or District domicile, as applicable.

D. Termination resulting from non-compliance with a residency requirement cannot be appealed to the Office of Employee Appeals or grieved through any grievance procedure.

### 9.2 Guidelines Governing the Process for Pre-Hearings and Evidentiary Hearings to Determine the Issue of Bona Fide District Residency or Domicile

A. **Administrative Procedure Act.** Except as otherwise provided by law, Chapter 3 of the D.C. personnel regulations, Residency, or these guidelines, the provisions of the District of Columbia Administrative Procedure Act (DCAPA) (D.C. Official Code § 2-501 *et seq.*) (2001), which govern contested cases, shall likewise govern the hearings referred to herein. These provisions allow for, but are not limited to, the following:

1. Each party shall have the right to

present his or her case in person or be represented by legal counsel;

2. Oral and documentary evidence that is not irrelevant, immaterial, and unduly repetitious may be received;

3. Each party shall have the right to submit rebuttal evidence;

4. Each party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts;

5. All testimony shall be upon oath or affirmation;

6. Hearsay testimony is admissible;

7. Verbatim transcripts of the entire hearing shall be maintained;

8. Findings of fact and conclusions of law shall be supported by, and be in accordance with, the reliable, probative, and substantial evidence in the record; and

9. The record, upon request, may be held open after a hearing for a period of time not to exceed three (3) days.

B. **Pre-Hearing Conference.** A hearing officer designated by the personnel authority will hold the pre-hearing conference. No testimony will be taken during the pre-hearing conference.

1. The purposes of the pre-hearing conference include, but are not limited to the following:

- (a) Review the notice to show cause for administrative legal sufficiency;

- (b) Clarify issues;

- (c) Stipulate facts not at issue that are considered significant;



(d) Review the employee's Official Personnel Folder (OPF); and

(e) Submit a list of witnesses.

2. The order of the pre-hearing conference is as follows:

(a) The agency or government representative first; and

(b) The respondent second.

3. Preliminary issues such as the following will be resolved at the pre-hearing conference:

(a) The number of witnesses shall be stipulated; and

(b) Relevancy of testimony will be defined.

4. The hearing officer will advise the parties that the hearing process will be governed by the DCAPA and any other applicable laws, including decisional law.

5. Orders may be issued governing hearing preparation as well as conduct of hearings. These orders may provide for dismissal of the case with or without prejudice as may be appropriate.

### **C. Hearing**

1. Upon convening for a hearing, the hearing officer will review any orders that may have been issued as a preliminary matter.

2. The agency representative and the respondent employee or his or her counsel may present an opening statement. The agency representative shall present his or her opening statement first, followed by the respondent employee. Either party may waive the right to present an opening statement.

3. All witnesses shall be sworn in.

4. The agency representative shall present documents, witnesses, or both to support the contentions in the notice to show cause. The

respondent employee shall have an opportunity to cross-examine any witnesses presented by the agency representative.

5. The respondent employee or his or her counsel shall have an opportunity to rebut the agency's evidence and may present facts, documentary evidence, exhibits, and witnesses to demonstrate the respondent employee's compliance with the applicable District residency or domicile requirement (physical presence and intent). The agency representative may cross-examine the respondent employee and any witnesses called by the respondent employee.

6. At the close of the evidence, the respondent employee may present a closing statement to summarize the facts and circumstances that affirm the respondent employee's compliance with the applicable District residency or domicile requirement.

7. The agency representative may present a closing statement to summarize the facts and circumstances that support the contentions in the notice to show cause.

8. In a District residency or domicile determination case, the standard of proof shall be by a preponderance of the evidence.

9. The hearing officer shall prepare and present to the Director, D.C. Office of Personnel or independent personnel authority, a written proposed determination within a reasonable period of time after the evidentiary hearing. A copy of the proposed determination shall be mailed to the respondent employee. The proposed determination of the hearing officer shall be based solely on the record of the proceedings.

10. The employee has ten (10) calendar days from receipt of the hearing officer's proposed determination to present written exceptions and arguments to the personnel authority in response to the proposed determination of non-compliance with the applicable District residency or domicile requirement. The written exceptions and arguments must be based solely on the record of the proceedings and the proposed written determination.

11. The personnel authority shall review the record and make the final decision regarding compliance. The written decision of the personnel authority shall be the final administrative process.

12. The final decision shall be issued to the employee and the agency head. A final decision of non-compliance with the District residency or domicile requirement shall result in forfeiture of District government employment by the employee.

#### **D. Hearing Officer**

1. The hearing officer shall be the presiding official at the hearing, and shall have the authority to issue a proposed written determination in the matter. The hearing officer shall be a District government employee designated by the personnel authority. The hearing officer shall be impartial and shall not have participated in any manner in the decision to initiate the proceedings.

2. The hearing officer shall have the following responsibilities:

- (a) Hear testimony;
- (b) Question representatives and witnesses;
- (c) Rule on the admissibility of evidence;
- (d) Request and offer clarifications;
- (e) Limit the scope or extent of questions; and
- (f) Issue a proposed written determination.

### **9.3 Terminations**

A. The agency head (or his or her designee) shall submit a DCSF-52, Request for Personnel Action, to the personnel authority to immediately terminate an employee who has forfeited his or her position due to non-compliance with a residency requirement.

**B. Documenting forfeiture actions.** One (1) of the following statements must be included in the “Remarks” section of the personnel action effecting the termination of an employee who has forfeited his or her position due to non-compliance with a residency requirement:

#### **REMARK:**

(a) **Career Service:** “Employee terminated for failure to comply with the residency requirement of D.C. Official Code § 1-608.01(e) (2001);”

(b) **Legal Service (including the Senior Executive Attorney Service)** – “Employee terminated for failure to comply with the residency requirement of D.C. Official Code § 1-608.59 (2001);”

(c) **Excepted Service** – “Employee terminated for failure to comply with the residency requirement of D.C. Official Code § 1-609.06 (2001 or Supp. 2003);”

(d) **Management Supervisory Service** – “Employee terminated for failure to comply with the residency requirement of D.C. Official Code § 1-609.57 (2001);” or

(e) **Executive Service** – “Employee terminated for failure to comply with the residency requirement of D.C. Official Code § 1-610.59 (2001 or Supp. 2003).”

**Exhibit 1 – RESIDENCY PREFERENCE FOR EMPLOYMENT (FORM DC-2000RP)****GOVERNMENT OF THE DISTRICT OF COLUMBIA****RESIDENCY PREFERENCE FOR EMPLOYMENT**

(Attach to Employment Application)

**NOTE:** This form is to be filled out and submitted with each application for a position in the Career Service, Legal Service other than the Senior Executive Attorney Service, Excepted Service (attorney positions only), or the Management Supervisory Service. Preference, if applicable, will not be granted unless this form is completed and received at the time of application.

Name: \_\_\_\_\_ Social Security No.: \_\_\_\_\_  
(Print—Last Name, First Name, Middle Initial)

Position Applied for: \_\_\_\_\_ Vacancy Announcement No.: \_\_\_\_\_  
(Print)

**CHECK ONLY ONE OF THE FOLLOWING STATEMENTS****I.**

☐ I, the undersigned, am currently a District government employee whose service began on or before December 31, 1979 and has been continuous since that date. I understand that I will not be required to submit proof of, or establish or maintain, residency as a result of receiving preference.

**II.**

☐ I, the undersigned, am a former employee of the U.S. Department of Health and Human Services at St. Elizabeths Hospital who accepted employment with the District government, without a break in service, effective October 1, 1987. My service with the District government has been continuous since that date. I understand that I will not be required to submit proof of, or establish or maintain, residency as a result of receiving preference.

**III.**

☐ I, the undersigned, am not a bona fide District resident and I understand that I am not entitled to claim a residency preference.

**IV.**

☐ I, the undersigned, am a bona fide District resident and I do NOT claim a residency preference.

**V.**

☐ I, the undersigned, am a bona fide resident of the District of Columbia and claim a residency preference in applying for the position indicated above. My current address is \_\_\_\_\_. Also, I have read the "Facts on Residency Preference" on the reverse side of this form and I understand that, if selected for this position, I will be required to submit proof of bona fide District residency and to maintain bona fide District residency for a period of five (5) consecutive years from the date of appointment or promotion or forfeit the position.

**FOR OFFICIAL USE ONLY**

- ☐ Preference Applied
- ☐ Preference Not Applied—State Reason

\_\_\_\_\_  
 Personnel Office Representative

\_\_\_\_\_  
 Applicant's Signature

\_\_\_\_\_  
 Date (Month, Day, Year)

**(SEE OVER)**

## CHAPTER 3. RESIDENCY (EXHIBITS)

### FACTS ON RESIDENCY PREFERENCE

- An applicant for initial appointment with the District government in the Career Service, Legal Service other than the Senior Executive Attorney Service (SEAS), Excepted Service (attorney positions only), or the Management Supervisory Service who is a bona fide District resident **AT THE TIME OF APPLICATION** may claim a residency preference over a non-resident applicant.
- An employee who applies for a competitive promotion in the Career Service, Legal Service other than the SEAS, Excepted Service (attorney positions only), or the Management Supervisory Service and who is a bona fide District resident **AT THE TIME OF APPLICATION** may claim a residency preference.
- Residency preference is to be claimed by completing the front of this form and submitting the form with the employment application.
- A bona fide District resident who does NOT claim a residency preference **AT THE TIME OF APPLICATION** for initial appointment or competitive promotion, if found to be qualified, will be rated and ranked but WILL NOT receive any preference. If selected, the individual is not required to maintain bona fide residency.
- Residency preference will be afforded as follows:
  - Generally, five (5) points will be added to the rating and ranking score of each qualified applicant who claims a hiring preference upon application for initial appointment or competitive promotion.
  - Except for promotional examinations (*e.g.*, police officers, firefighters, and correctional officers), five (5) points will be added to the rating and ranking score of each qualified employee who claims or is entitled to preference upon application for a competitive promotion, only when there is at least one (1) qualified outside applicant for the position who claims a preference.
  - Preference candidates, including those who do not receive preference points, will be selected ahead of equally qualified non-preference candidates.
- A person who claims a residency preference and is selected for the position must agree in writing no later than the date of appointment to maintain residency for a period of five (5) consecutive years from the effective date of his or her appointment. Failure to maintain bona fide District residency will result in forfeiture of employment.
- The requirement to maintain bona fide District residency is applicable **ONLY** to applicants and employees who claim a residency preference at the time of application for initial appointment or competitive promotion and are selected.
- Entitlement to preference: Any person who was employed by the District government on December 31, 1979, and who is still employed by the District government without having had a break in service of one (1) workday or more since that date; or, pursuant to the provisions of Public Law 98-621, any former employee of the U.S. Department of Health and Human Services at St. Elizabeths Hospital who accepted employment with the District government without a break in service effective October 1, 1987 and who has not had a break in service since that date, will be granted a residency preference upon application for a **COMPETITIVE PROMOTION** in the Career Service, Legal Service other than the SEAS, Excepted Service (attorney positions only), or the Management Supervisory Service, if at least one (1) qualified applicant for the position has claimed a residency preference. If selected, the employee is not required to establish or maintain bona fide District residency.
- An employee who is under a five-year (5-year) residency requirement, who thereafter claims a residency preference in applying for another position (*i.e.*, competitive promotion), if selected, will be required to begin a new five-year (5-year) residency requirement effective the date of the new appointment.

**EXHIBIT 2 - NOTIFICATION AND CERTIFICATION OF BONA FIDE RESIDENCY REQUIREMENTS****NOTIFICATION**

1. Any person who claims a residency preference at the time of application for employment or promotion to a position in the Career Service, Legal Service other than the Senior Executive Attorney Service, Excepted Service as an attorney, or Management Supervisory Service, and who is selected for the position is required to maintain bona fide District residency for a period of 5 consecutive years from the date of appointment to the position. Failure to maintain bona fide District residency for the 5-year period will result in forfeiture of employment.
2. Any person who applies for a position in the Senior Executive Attorney Service within the Legal Service and who accepts appointment or is hired to fill a position in the Senior Executive Attorney Service must either:
  - a. Be a bona fide resident of the District of Columbia at the time of appointment and maintain such residency during the period of his or her appointment; or
  - b. Become a bona fide resident of the District of Columbia within 180 calendar days of the date of his or her appointment and maintain such residency during the period of his or her appointment.
3. Failure to comply with the applicable residency requirement set forth above will result in forfeiture of employment.
4. No single document, fact, or circumstance is conclusive in order to determine bona fide residency; the following documents may be considered. In order to support a claim of bona fide District residency, you are required to submit a minimum of four of the items set forth below:
  - a) Voter registration; b) Motor vehicle registration; c) Motor vehicle driver permit; d) Withholding and payment of individual income taxes, including copies of D.C. tax returns certified by the D.C. Office of Tax and Revenue and copies of certified federal tax returns filed with the U.S. Internal Revenue Service; e) Certified deed or lease or rental agreement for real property; f) Cancelled checks or receipts for mortgage or rental payments; and g) Utility bills and payment receipts.

**CERTIFICATION**

I certify that I have received and read the above notification of the residency requirement and that I have been given the opportunity to ask questions about the residency requirement and that I understand the requirement. [Check the statement that applies to you. The first statement is for use by individuals who claimed residency preference; the second and third for individuals in the SEAS]:

- ☐ I am currently a bona fide resident of the District of Columbia and I certify that the address stated below is my actual, regular and principal place of residence. I understand that if I fail to maintain bona fide District residency for a period of 5 consecutive years, I will forfeit my position with the District government.
- ☐ I am currently a bona fide resident of the District of Columbia and I certify that the address stated below is my actual, regular and principal place of residence. I understand that if I fail to maintain bona fide District residency during the period of appointment, I will forfeit my position with the District government.
- ☐ I intend to become a bona fide resident of the District of Columbia within 180 calendar days of the date of my appointment. I understand that if I fail to become a bona fide resident within 180 calendar days of the date of appointment or fail to maintain residency during the period of appointment after becoming a bona fide resident, I will forfeit my position with the District government.

\_\_\_\_\_  
Full Name (type or print)

\_\_\_\_\_  
Complete Street Address (include Apt. #)

\_\_\_\_\_  
Signature and Date

\_\_\_\_\_  
City/State/Zip Code

**OFFICIAL USE ONLY**

- ☐ Documents presented support bona fide District residency.
- ☐ SEAS selectee – Must become a bona fide District resident within 180 days, by \_\_\_\_\_.  
(Date)

\_\_\_\_\_  
(Position Control Number, Position Title, Series and Grade)

\_\_\_\_\_  
Signature of Processing Official

\_\_\_\_\_  
(Type of Appointment and Effective Date of Appointment)

\_\_\_\_\_  
Date

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**EXHIBIT 3 - NOTIFICATION AND CERTIFICATION OF DOMICILE REQUIREMENT****NOTIFICATION**

1. Any person who applies for a position in the Excepted Service (excluding attorneys in that Service) or Executive Service and who accepts appointment or is hired to fill a position in the Excepted Service or Executive Service **after October 1, 2002** must either:
  - a. Be a domiciliary of the District of Columbia at the time of appointment and maintain such domicile during the period of his or her appointment; or
  - b. Become a domiciliary of the District of Columbia within 180 calendar days of the date of his or her appointment and maintain such domicile during the period of his or her appointment.
2. Failure to comply with the domicile requirement set forth above will result in forfeiture of employment.
3. No single document, fact, or circumstance is conclusive in order to determine District domicile; the following documents may be considered. In order to support a claim of District domicile, an individual must submit a minimum of four (4) of the items listed below:
 

(a) Voter registration; (b) Motor vehicle registration; (c) Motor vehicle driver permit; (d) Withholding and payment of individual income taxes, including copies of D.C. tax returns certified by the D.C. Office of Tax and Revenue and copies of certified federal tax returns filed with the U.S. Internal Revenue Service; (e) Certified deed or lease or rental agreement for real property; (f) Cancelled checks or receipts for mortgage or rental payments; and (g) Utility bills and payment receipts.
4. In addition to the four (4) items specified above, in order to fully support a claim of District domicile you must provide **all** of the items listed below, for a combined total of **fifteen (15) proofs**:
  - (a) A copy of a change of address form filed with the United States Postal Service containing the address of the employee's principal place of residence in the District of Columbia;
  - (b) A copy of an executed contract of sale for the real property that was the employee's principal place of residence at the time of accepting the appointment, if the employee owns a principal place of residence outside of the District of Columbia; or a copy of a change in the public records of the state where the employee was domiciled to show that the residence outside of the District of Columbia is no longer the employee's principal place of residence;
  - (c) Copies of utility bills, including electric, gas, telephone, cable, water, or other residency bills associated with occupying real property in the District of Columbia, where the billing and mailing address are the same as the principal place of residence in the District of Columbia of the employee;
  - (d) A copy of a bank account statement in the District of Columbia in the name of the employee;
  - (e) Copies of District of Columbia and federal income tax returns that use the District of Columbia address which is the employee's principal place of residence;
  - (f) Copies of professional dues statements mailed to the employee's principal place of residence in the District of Columbia;
  - (g) A sworn affidavit from the employee attesting that the administration of the employee's estate is subject to District of Columbia probate and estate taxes;
  - (h) Copies of credit card or brokerage account statements mailed to the employee's principal place of residence in the District of Columbia;
  - (i) Copies of automobile, health, and life insurance contracts for the employee based upon the employee's principal place of residence in the District of Columbia;
  - (j) Copies of mortgage statements for the employee's principal place of residence in the District of Columbia, or an executed lease for the employee's principal place of residence in the District of Columbia; **and**
  - (k) A sworn affidavit from the employee attesting that his or her income, from any source, is subject to District of Columbia withholding tax and taxation.
5. As needed, you must submit a sworn affidavit affirming that you have undertaken affirmative actions to comply with the requirements listed in 4(a) through (k) above and, if a requirement is inapplicable, stating the reasons why the requirement does not apply.

**(OVER)**

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DC Form 300D (Rev. 9/04)

**CHAPTER 3. RESIDENCY (EXHIBITS)****CERTIFICATION**

I certify that I have received and read the above notification of the domicile requirement, that I have been given the opportunity to ask questions about the domicile requirement, and that I understand the requirement. Check the statement that applies to you:

- ☐ I certify that I am currently a domiciliary of the District of Columbia, and that I reside at the address stated below. I understand that if I fail to maintain District domicile during the period of appointment, I will forfeit my position with the District government.
- ☐ I intend to become a domiciliary of the District of Columbia within 180 calendar days of the date of my appointment. I understand that if I fail to become a domiciliary of the District of Columbia within 180 calendar days of the date of appointment or fail to maintain District domicile during the period of appointment, I will forfeit my position with the District government.

---

 Full Name (type or print)

---

 Complete Street Address (include Apt. #)

---

 Signature and Date

---

 City/State/Zip Code
**OFFICIAL USE ONLY**

- ☐ Documents presented support claim of District of Columbia domicile.
- ☐ Selectee must become a District of Columbia domiciliary within 180 days, by \_\_\_\_\_.  
(Date)

---

 (Position Control Number, Position Title, Series and Grade)

---

 Signature of Processing Official

---

 (Type of Appointment and Effective Date of Appointment)

---

 Date

## EXHIBIT 4 - CERTIFICATION OF SUBMISSION OF PROOFS OF DISTRICT RESIDENCY OR DOMICILE

I, \_\_\_\_\_, hereby submit the following proofs and certify that I  
Full Name (type or print)  
 am/have become a bona fide District resident or domiciliary, that is, that I maintain a place of abode  
 in the District of Columbia as my actual, regular and principal place of residency.

I. Employees who claimed a residency preference at the time of initial appointment or competitive promotion and were selected; Senior Executive Attorney Service (SEAS) employees; and Excepted and Executive Service employees subject to the domicile requirement, **must** submit a minimum of four (4) documents from the list below as proof of bona fide District residency, as applicable:

- ☐ Voter registration
- ☐ Motor vehicle registration
- ☐ Motor vehicle driver permit
- ☐ Withholding and payment of individual income taxes, including copies of District of Columbia tax returns certified by the D.C. Office of Tax and Revenue; and copies of certified federal tax returns filed with the U.S. Internal Revenue Service
- ☐ Certified deed or lease or rental agreement for real property
- ☐ Cancelled checks or receipts for mortgage or rental payments
- ☐ Utility bills and payment receipts: \_\_\_\_\_,  
 \_\_\_\_\_,  
 \_\_\_\_\_.

II. In addition to a minimum of four (4) of the documents from the list above, every Excepted Service and Executive Service employee subject to the domicile requirement **must** submit copies of each of the eleven (11) documents listed on page 2, or file a sworn affidavit affirming that he or she has taken affirmative action to comply with each requirement or, if a requirement is inapplicable, the reasons why the requirement does not apply:

**(OVER)**

Distribution: Original to Official Personnel Folder; Copy to Employee

DC Form 305 (Rev. 9/04)



**CHAPTER 3. RESIDENCY (EXHIBITS)**

- ☐ 1. A copy of a change of address form filed with the United States Postal Service containing the employee's principal place of residence in the District of Columbia;
- ☐ 2. A copy of an executed contract of sale for the real property that was the employee's principal place of residence at the time of accepting the appointment, if the employee owns a principal place of residence outside of the District of Columbia; or
- ☐ 2a. A copy of a change in the public records of the state where the employee was domiciled to show that the residence outside the District of Columbia is no longer the employee's principal place of residence;
- ☐ 3. Copies of utility bills, including electric, gas, telephone, cable, water, or other residency bills associated with occupying real property in the District of Columbia, where the billing and mailing addresses are the same as the principal place of residence of the employee in the District of Columbia;
- ☐ 4. A copy of a bank account statement in the District of Columbia in the name of the employee;
- ☐ 5. Copies of District of Columbia and federal income tax returns that use the District of Columbia address which is the employee's principal place of residence;
- ☐ 6. Copies of professional dues statements mailed to the employee's principal place of residence in the District of Columbia;
- ☐ 7. A sworn affidavit from the employee attesting that the administration of the employee's estate is subject to District of Columbia probate and estate taxes;
- ☐ 8. Copies of credit card or brokerage account statements mailed to the employee's principal place of residence in the District of Columbia;
- ☐ 9. Copies of automobile, health, and life insurance contracts for the employee based upon the employee's principal place of residence in the District of Columbia;
- ☐ 10. Copies of mortgage statements for the employee's principal place of residence in the District of Columbia, or an executed lease for the employee's principal place of residence in the District of Columbia; and
- ☐ 11. A sworn affidavit from the employee attesting that his or her income, from any source, is subject to District of Columbia withholding tax and taxation.
- ☐ 12. Sworn affidavit(s) attesting that affirmative actions have been taken to comply with requirements number one (1) through number eleven (11) above, or if a requirement is inapplicable, the reasons why the requirement does not apply (specify the number of sworn affidavits submitted and the requirement addressed by each sworn affidavit):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

**OFFICIAL USE ONLY**

I, \_\_\_\_\_, certify that I received the documents checked above.  
(Print Name of Personnel Representative)

\_\_\_\_\_  
Personnel Representative's Signature

\_\_\_\_\_  
Date

**EXHIBIT 5 - CERTIFICATION OF COMPLIANCE WITH THE RESIDENCY  
REQUIREMENT FOR THE YEAR \_\_\_\_\_**

**AFFIDAVIT**

I, \_\_\_\_\_, hereby certify that for the preceding 12 months I have been a bona  
Print Employee's Name  
 fide resident of the District of Columbia, that is, I have maintained a place of abode in the District of  
 Columbia as my actual, regular, and principal place of residency. During that period I have been and  
 am currently in compliance with the residency requirement. During the preceding 12-month period my  
 home address(es) has (have) been the following:

(list home address(es) in reverse order starting with the most recent):

\_\_\_\_\_  
 \_\_\_\_\_

In addition, the address(es) used on my most recent individual income tax returns for District of  
 Columbia and federal tax purposes for the year \_\_\_\_ is (are) as follows:

(District of Columbia tax return: \_\_\_\_\_)

(Federal tax return: \_\_\_\_\_)

I understand that this annual certification of my status as a bona fide resident of the District of  
 Columbia is required. I understand that as a condition of employment I must continue to maintain  
 bona fide District residency during the period of my appointment, and that failure to maintain bona  
 fide District residency during the period of my appointment will result in forfeiture of my position and  
 separation from District government employment.

\_\_\_\_\_  
 Employee's Signature

\_\_\_\_\_  
 Date

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
 \_\_\_\_\_.

\_\_\_\_\_  
 NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

**EXHIBIT 6 - CERTIFICATION OF COMPLIANCE WITH THE RESIDENCY  
PREFERENCE REQUIREMENT FOR THE YEAR \_\_\_\_\_**

**AFFIDAVIT**

I, \_\_\_\_\_, hereby certify that for the preceding 12 months I have been a bona fide  
Print Employee's Name  
 resident of the District of Columbia, that is, I have maintained a place of abode in the District of  
 Columbia as my actual, regular and principal place of residency. During that period I have been and  
 am currently in compliance with the residency preference that I claimed and was afforded to me.

During the preceding 12-month period my home address(es) has (have) been the following:

[List home address(es) in reverse order starting with the most recent]:

\_\_\_\_\_  
 \_\_\_\_\_

In addition, the address(es) used on my most recent individual income tax returns for District of  
 Columbia and federal tax purposes for the year \_\_\_\_ is (are) as follows:

(District of Columbia tax return: \_\_\_\_\_)

(Federal tax return: \_\_\_\_\_)

I understand that this annual certification of my status as a bona fide resident of the District of  
 Columbia is required. I understand that I must continue to maintain bona fide District residency for a  
 period of 5 consecutive years from the effective date of my appointment. I further understand that  
 failure to maintain bona fide District residency for the 5-year period will result in forfeiture of my  
 position and separation from District government employment.

\_\_\_\_\_  
 Employee's Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
 \_\_\_\_\_.

\_\_\_\_\_  
 NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

**EXHIBIT 7 - CERTIFICATION OF COMPLIANCE WITH THE DOMICILE  
REQUIREMENT FOR THE YEAR \_\_\_\_\_**

**AFFIDAVIT**

I, \_\_\_\_\_, hereby certify that for the preceding 12 months I have been a domiciliary  
Print Employee's Name  
of the District of Columbia. During that period I have been and am currently in compliance with the  
domicile requirement. During the preceding 12-month period my home address(es) has (have) been  
the following (list home address(es) in reverse order starting with the most recent):

\_\_\_\_\_  
 \_\_\_\_\_

In addition, the address(es) used on my most recent individual income tax returns for District of  
Columbia and federal tax purposes for the year \_\_\_\_ is (are) as follows:

(District of Columbia tax return: \_\_\_\_\_)

(Federal tax return: \_\_\_\_\_)

I understand that this annual certification of my status as a domiciliary of the District of Columbia is  
required. I understand that as a condition of employment I must continue to be domiciled in the  
District of Columbia during the period of my appointment, and that failure to be domiciled in the  
District of Columbia during the period of my appointment will result in forfeiture of my position and  
separation from District government employment.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
 \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

**EXHIBIT 8 - SAMPLE SHOW CAUSE LETTER****[DISTRICT RESIDENCY OR DOMICILE REQUIREMENT – SENIOR EXECUTIVE ATTORNEY SERVICE;  
EXCEPTED AND EXECUTIVE SERVICE]**

(Date)

(Name of Employee)

(Home Address)

Dear (Employee's Name):

The purpose of this letter is to inform you that there is reasonable cause to believe that you may not be in compliance with the (District residency or District domicile) requirement. Upon appointment to the position of (title), (series), (grade) in the (name of the agency) on (date), you agreed in writing to comply with the requirement under which you are required to maintain (District residency or District domicile) for the duration of your appointment. Also, you acknowledged that you understood that failure to maintain (District residency or District domicile) would result in forfeiture of your position by operation of (for SEAS: D.C. Official Code § 1-608.59(b) (2001)/for Excepted Service: D.C. Official Code § 1-609.06(a) (2003 Supp.)/for Executive Service: D.C. Official Code § 1-610.59(a) (Supp. 2003)), and your separation from District government service.

The information we have received is as follows: [Here, list the information referred to.]

Based on this information, and in accordance with § 307 of Chapter 3 of the D.C. personnel regulations, Residency, you must prove that you are in compliance with the requirement. Consequently, you are directed to show cause why you should not forfeit your employment with the District government.

You are required to attend a pre-hearing conference on (date) at (time). The pre-hearing conference will be held at (location). Please contact (name of personnel representative), D.C. Office of Personnel, Policy and Program Development Services, at (202) 442-9644, concerning the scheduled pre-hearing conference.

The pre-hearing conference will consist of a discussion regarding the procedures and issues in this matter. If necessary, an evidentiary hearing will be held to determine if you are in fact a (District resident or District domiciliary). At the evidentiary hearing, if one is held, you will have the opportunity to rebut the facts and information stated above and submit evidence to demonstrate your compliance with the requirement. You may be represented at the pre-hearing conference and evidentiary hearing by legal counsel if you so choose.

Sincerely,

Agency Head (or his or her designee) or Mayor (in the case of an Executive Service employee)  
Title

cc: DCOP  
Agency HR Advisor

**EXHIBIT 9 - SAMPLE SHOW CAUSE LETTER****[RESIDENCY PREFERENCE – INITIAL APPOINTMENT OR COMPETITIVE PROMOTION IN THE CAREER SERVICE; LEGAL SERVICE, EXCLUDING THE SENIOR EXECUTIVE ATTORNEY SERVICE; AND MANAGEMENT SUPERVISORY SERVICE]**

(Date)

(Name of Employee)

(Home Address)

Dear (Employee's Name):

The purpose of this letter is to inform you that there is reasonable cause to believe that you may not be in compliance with the residency preference requirement. You were afforded the preference upon competitive selection to the position of (position title), (series), (grade) in the (name of the agency) on (date). You agreed in writing to maintain bona fide District residency for a period of five (5) consecutive years from (date), the effective date of the appointment, until (date). Also, you acknowledged that you understood that failure to maintain bona fide District residency for the 5-year period would result in forfeiture of your position by operation of (for Career Service: D.C. Official Code § 1-608.01(e)(2) (2001)/for Legal Service: D.C. Official Code § 1-609.59(a) (2001)/for MSS: D.C. Official Code § 1-609.57 (2001)), and your separation from District government service.

The information that we have received is as follows: [Here, list the information referred to.]

Based on this information, and in accordance with § 307 of Chapter 3 of the D.C. personnel regulations, Residency, you must prove that you are in compliance with the requirement. Consequently, you are directed to show cause why you should not forfeit your employment with the District government.

You are required to attend a pre-hearing conference on (date) at (time). The pre-hearing conference will be held at (location). Please contact (name of personnel representative), D.C. Office of Personnel, Policy & Program Development Services, at (202) 442-9644, concerning the scheduled pre-hearing conference.

The pre-hearing conference will consist of a discussion regarding the procedures and issues in this matter. If necessary, an evidentiary hearing will be held to determine if you are in fact a bona fide District resident. At the evidentiary hearing, if one is held, you will have the opportunity to rebut the facts and information stated above and submit evidence to demonstrate your compliance with the requirement. You may be represented at the pre-hearing conference and evidentiary hearing by legal counsel if you so choose.

Sincerely,

Agency Head (or his or her designee)

Title

cc: DCOP  
Agency HR Advisor

**EXHIBIT 10 – NOTICE: REQUIREMENT TO ESTABLISH BONA FIDE DISTRICT  
RESIDENCY (SENIOR EXECUTIVE ATTORNEY SERVICE)**

(Date)

Name of Employee  
Home Address

Dear \_\_\_\_\_:

This is a notice of at least thirty (30) days to remind you that you are subject to the bona fide District residency requirement pursuant to D.C. Official Code § 1-608.59(b) (2001). Under this requirement, which is applicable to individuals appointed to the Senior Executive Attorney Service (SEAS), you are required to become a bona fide District resident within one hundred eighty (180) days from the date of your appointment to the SEAS position, and remain a bona fide District resident for the duration of the appointment.

Your official personnel records indicate that you were appointed to the SEAS position subject to the requirement on (date), and that you are required to establish bona fide District residency by (date) and provide the D.C. Office of Personnel (DCOP) with proof that you have established such residency by that date. Accordingly, you must provide the required proofs of bona fide District residency not later than 5:00 p.m. on (date). For your convenience, enclosed is a copy of the list of the required documents. You must submit the required proofs to (name of personnel representative), (position title), DCOP. Ms./Mr. (name) is located at (address of personnel office).

Please be advised that failure to submit the required documentation by 5:00 p.m. on (date) will result in forfeiture of your position with the District government, by operation of D.C. Official Code § 1-608.59(b) (2001), and your separation from District government service effective after 5:00 p.m. on (date).

If you have any questions concerning this notice, please contact Ms./Mr. (name of personnel representative) at (telephone number).

Sincerely,

Personnel Representative  
Title

Enclosure

cc: Agency HR Advisor

**EXHIBIT 11 – NOTICE: REQUIREMENT TO ESTABLISH DISTRICT DOMICILE  
(EXCEPTED AND EXECUTIVE SERVICE)**

(Date)

Name of Employee

Home Address

Dear \_\_\_\_\_:

This is a notice of at least thirty (30) days to remind you that you are subject to the domicile requirement pursuant to D.C. Official Code § 1-609.06(a) (Supp. 2003). Under this requirement, which is applicable to individuals appointed to the (Excepted or Executive Service), you are required to become a District domiciliary within one hundred eighty (180) days from the date of your appointment to the (Excepted or Executive Service) position, and remain a District domiciliary for the duration of the appointment.

Your official personnel records indicate that you were appointed to the (Excepted or Executive) Service position subject to the requirement on (date), and that you are required to establish District domicile by (date) and provide the D.C. Office of Personnel (DCOP) with proof that you have established such domicile by that date. Accordingly, you must provide the required proofs of District domicile not later than 5:00 p.m. on (date). For your convenience, enclosed is a copy of the list of the required documents. You must submit the required proofs to (name of personnel representative), (position title), DCOP. Ms./Mr. (name) is located at (address of personnel office).

Please be advised that failure to submit the required documentation by 5:00 p.m. on (date) will result in forfeiture of your position with the District government, by operation of (for Excepted Service: D.C. Official Code § 1-609.06(a) (Supp. 2003)/for Executive Service: D.C. Official Code § 1-610.59 (Supp. 2003)), and your separation from District government service effective after 5:00 p.m. on (date).

If you have any questions concerning this notice, please contact Ms./Mr. (name of personnel representative) at (telephone number).

Sincerely,

Personnel Representative  
Title

Enclosure

cc: Agency HR Advisor